



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC #15

Our Ref.: 1038-1086 MIS:sd

In re United States Patent Application

No.: 09/647,981

Filing Date: April 7, 1999

Applicant: Charles D. Y. Sia et al.

Title: HIV-SPECIFIC CYTOTOXIC T-CELL RESPONSES

RECEIVED
13 MAY 2002
Legal staff
International Division

January 11, 2002

The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

RENEWED PETITION UNDER 37 CFR 1.47(a)

This Renewed Petition is submitted having regard to the Decision on Petition mailed August 31, 2001. Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of three months of the period to submit this renewed Petition. Our cheque in respect of the prescribed fee is enclosed.

In the Decision on Petition dated August 31, 2001, it was indicated the applicant had not satisfied the requirements of 37 CFR 1.47(a) with respect to:

- factual proof that the missing joint inventor refuses to execute the application and cannot be reached after diligent effort;
- an oath or declaration by the 37 CFR 1.47(a) applicants on his or her own behalf and on behalf of the non-signing joint inventor.

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OFFICE OF PETITIONS

With respect to the first item, submitted herewith is a Declaration of Reza Yacoob dated January 2, 2002, enclosed herewith, concerning the resubmission of the documents to Charles D. Y. Sia, comprising the complete specification, including claims and drawings, with the Declaration and Power of Attorney attached as the last pages thereof. Mr. Reza Yacoob has first hand knowledge of the facts presented in his Declaration. It is submitted that this Declaration provides proof of the refusal of Charles D. Y. Sia to execute the Declaration.

In addition, with respect to the first item, reference is made to a Declaration of Reza Yacoob dated October 2, 2001, enclosed herewith, confirming the facts set forth in the Declaration of Michael I. Stewart, which accompanied the original Petition dated May 7, 2001.

With respect to the second item, there was submitted with the Petition of May 7, 2001, a Declaration and Power of Attorney signed by Michel H. Klein on behalf of the other two inventors who had refused to sign the Declaration and Power of Attorney. This Declaration was said to be ineffective in the absence of an Affidavit or Declaration by Mr. Reza Yacoob, who has first hand knowledge of the facts noted in paragraph 8 of the Declaration of Michael I. Stewart with respect to the refusal of Pele Chong to sign the Declaration on behalf of Charles D. Y. Sia. It is submitted that the enclosed Declaration of Reza Yacoob dated October 2, 2001, remedies this defect.

Having regard to the evidence submitted with the Petition of May 7, 2001, and the additional evidence submitted herewith, it is submitted that the Petition under 37 CFR 1.47(a) should be accepted.

Respectfully submitted,



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